

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

STEVEN PERINI,

Case No. 3:17-cv-00005-JR

Plaintiff,

ORDER

v.

SGT. BURGESS, et al.,

Defendants.

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RUSSO, Magistrate Judge:

Plaintiff, an inmate at the Oregon State Penitentiary, filed this action and was allowed to proceed in forma pauperis. The court also granted his motion for appointment of counsel and made several requests for the assistance of volunteer counsel. However, each of the court's three requests for volunteer counsel was denied. Therefore, plaintiff must now proceed pro se, in other words, unrepresented by counsel.

Plaintiff recently filed a motion for "summary judgment" on the grounds that defendants failed to answer in the time set by the court. The court construes plaintiff's motion as one for entry of default after a party fails to "plead or otherwise defend." Fed. R. Civ. P. 55(a). In the

court's Notice of Lawsuit dated February 2, 2017, defendants were instructed to return the waiver of service form within 30 days. Defendants did so on March 1, 2017. (ECF No. 9) After filing the waiver of service form, defendants answered within the required twenty day time period, on March 21, 2017. (ECF No. 13) Thus, their answer was timely.

Accordingly, plaintiff's motion (ECF No. 23) is DENIED.

IT IS SO ORDERED.

DATED this 8th day of May, 2017.

s/Jolie A. Russo  
JOLIE A. RUSSO  
United States Magistrate Judge